

### III. REMARKS

The claims have been amended as requested. Therefore, they are no longer objectionable.

Claims 1-5, 8-13, and 18-21 are not unpatentable under 35 U.S.C. 102(b) as being anticipated by Dent.

All of the independent claims recite a set of encryption keys, one of which is selected for use at the access point (claims 1, 9 and 21) or network element (claim 19). Thus, a set of keys is used at one location. To solve the synchronization problem of which one of the set of keys is currently being used, the claimed invention features "...transmitting...data about the encryption key selected at the time..." (all independent claims). Further, claim 1 has been amended to recite "...for the transmission of said data about the encryption key such a broadcast control channel control field is selected which is not used as a general broadcast control channel control field intended for several mobile terminals". The remaining independent claims have similar limitations.

The Examiner states that a set can comprise zero, one, two or more elements. Therefore, the keystream of bits is the set of keys and the blocks of pseudorandom data. If one assumes that the bits of the keystream could be interpreted to represent keys, Dent still does not perform a selection between encryption keys as presently claimed.

Dent uses the whole keystream of bits. *The bits of the first key stream are combined within the base stations with a stream of data bits carrying communications information to be sent from the base station to a mobile station to cryptographically encode the data stream and with a stream of cryptographically encoded data received from the mobile station to decode the data into communications information,* (see Col. 3, lines 57-64).

Although in col. 13, lines 35-39, it is stated that at one end on the communications link, e.g., the base station, the first  $N$  pseudo-random bits in the block of  $2N$  bits are used for encryption while the second  $N$  pseudo-random bits are used for decryption, there is still no selection of an encryption key from a set of encryption keys. In Dent, the first  $N$  bits of the keystream form one encryption key and the last  $N$  bits form one decryption key. At the other end, e.g., the mobile station, the use is reversed, i.e., the first  $N$  bits (1 to  $N$ ) are used for, as recently claimed, decryption and the second  $N$  bits ( $N+1$  to  $2N$ ) are used for encryption. However, the Examiner apparently believes that because the  $N$  bits may contain variable bit patterns, they all can be regarded as encryption keys.

In response to an office action, Applicant previously argued that the low data rate channel and the high data rate channel of Dent can not be regarded as broadcast control channel control fields, but the examiner did not agree. The Examiner is requested to consider the following passages from Dent to reconsider his position.

The second paragraph on col. 5 of Dent discloses in several places that the new base station begins broadcasting the new counter value. The term broadcasting implies that the transmission is intended for several mobile stations.

Further, col. 6, lines 46-51, of Dent reads: "Synchronization information is periodically transmitted on a low data rate channel from said base stations to the mobile stations to maintain the key stream in each mobile station in exact synchronization with the key stream in the base station with which it is in communication." This sentence supports the view that the low data rate control channel is used as a general broadcast channel.

Col. 6, line 51,-col. 7, line 2, of Dent reads: "Signals indicative of a handoff of a mobile station from a first base station to a second base station are responded to by interrupting the flow of cryptographically encoded data bits from the second base

station to the mobile station and instead transmitting synchronization information on a high data rate channel to the mobile station for a preselected period of time. Synchronization information is continued to be transmitted on a low bit rate channel from the second base station to the mobile station. Reception by the second base station of correctly decodable cryptographically encoded data bits from the mobile station, indicating that resynchronization has taken place, or the expiration of the preselected period of time is responded to by discontinuing transmission by the second base station of synchronization information on the high bit rate channel and resuming transmission of cryptographically encoded message traffic data bits from the second base station to the mobile station”

The above passage indicates that when the synchronization information is transmitted on the high data rate control channel, the transmission of encrypted data is suspended. This has to indicate that encrypted data transmission to every mobile station communicating with this base station is suspended. The reason for this is that the mobile station which is performing the hand off can not operate in encrypted mode of communication before it has properly received the synchronization information. Hence, it is not possible to suspend or resume something which has not yet begun. This means that the synchronization information is not dedicated to that particular mobile station but it can be regarded as broadcast information. Therefore Dent does not disclose for the transmission of said data about the encryption key such a broadcast control channel control field is selected which is not used as a general broadcast control channel control field.

Further, on page 13, lines 30-31, the present application discloses “...general BCCH control field intended for several mobile terminals...”. This passage highlights the purpose of the term general broadcast control channel control field in the claims. For example, the last sentence of claim 1 has been amended to read “for the transmission of said data about the encryption key such a broadcast control channel control field is selected which is not used as a general broadcast control channel control field intended

for several mobile terminals." This and similar limitations in the remaining independent claims further define over Dent.

Since the above-discussed and claimed features are not disclosed in Dent, the rejection of claims 1-5, 8-13, and 18-21 under U.S.C. 102 on Dent should be withdrawn.

Further, since the problem of synchronization of a set of keys does not even arise in Dent, these claims are unobvious over it, see MPEP, Rev. 6, September 2007, 2143.01, pages 2100-139, right Col., first full paragraph.

Claims 6 and 14 are not unpatentable under 35 U.S.C. 103(a) over Dent in view of Kojima.

Since the above-discussed and claimed features are not in Kojima, which merely discloses that the mobile station can request handoff to both the old and the new base station, combining it with Dent does not result in the claimed invention. Thus, the rejection of claims 6 and 14 under 35 U.S.C. 102 on Dent in view of Kojima should be withdrawn.

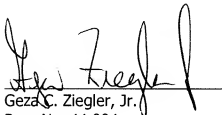
Claims 7 and 15 are not unpatentable under 35 U.S.C. 103 (a) over Dent in view of Gilhausen.

Gilhausen teaches that the mobile station can detect the need for handover and find the cell with the strongest signal. Therefore, the mobile station can request handoff to that cell. Gilhausen also fails to disclose the above-discussed and claimed features. Thus, combining it with Dent does not result in the claimed invention. Thus, the rejection of claims 7 and 15 under 35 U.S.C. 103 on Dent in view of Gilhausen should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested, or at least entry for appeal purposes since the claims are in better form for an appeal. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$1110 for a three-month extension of time as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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27 Jan 2009  
Date

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